

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLIAM COSTELLO, ET AL.,  
Plaintiffs,

No. 5:06-cv-213

-v-

HONORABLE PAUL L. MALONEY

PATTERSON DENTAL SUPPLY, INC.,  
Defendant.

ORDER

Before the court are several procedural motions. Plaintiffs filed a motion to vacate, in part, an arbitration award. (Dkt. No. 80.) In response, Defendant Patterson Dental Supply filed a forty-four page document (Dkt. No. 95) which included its answer to Plaintiffs' motion, a motion to remand a portion of the claims to the arbitrator, a motion to confirm portions of the arbitration award and a motion for judgment as a matter of law under either FED. R. CIV. P. 12 or 56. Defendant also filed a motion (Dkt. No. 94) for leave to file pages in excess of the limits imposed under the Local Rules. Plaintiff then filed a motion (Dkt. No. 97) for leave to file a brief which combines both its reply to Defendant's response to Plaintiffs' motion to vacate, as well as its response to Defendant's motions.

The factual background for the substantive motions will be largely repetitive. The legal basis and arguments in support of each of the substantive motions, however, will vary. The substantive motions filed by the parties address different portions of the arbitrator's award and the underlying dispute. In order to better focus attention on the distinct issues raised in the substantive motions, the court prefers the motions and answers be filed separately.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Patterson Dental Supply's motion (Dkt. No. 94) for leave to file excess pages is **DENIED**. Plaintiff shall have until January 6, 2009 at 5:00 p.m. to file its answer to Plaintiff's motion to vacate the award.
2. Defendant Patterson Dental Supply's combined answer and motion (Dkt. No. 95) to remand, to confirm, and for judgment as a matter of law is **DISMISSED WITHOUT PREJUDICE**. Should Defendant opt to refile the motion, Defendant should eliminate the portion of the document that serves as its answer to Plaintiffs' motion to vacate.
3. Plaintiffs' motion (Dkt. No. 97) for permission to file combined brief is **DISMISSED AS MOOT**.

Date: December 16, 2009

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge